

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH P. NOLFF, ANDREW TATE and  
BRUCE PALENSKE, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ATERIAN, INC., YANIV SARIG,  
FABRICE HAMAIDE, and ARTURO  
RODRIGUEZ,

Defendants.

**CASE No.: 1:21-cv-04323-VM**

**CLASS ACTION**

**STIPULATION AND [PROPOSED]  
ORDER**

WHEREAS, Lead Plaintiff and Defendants have reached an agreement in principle to settle this action and, on March 16, 2022, executed a Memorandum of Understanding (“MOU”) to memorialize that agreement;

WHEREAS, the parties have agreed to execute a final stipulation of settlement within 35 days, and Lead Plaintiff have agreed to submit a motion for preliminary approval of this class action settlement within 20 days thereafter; and

WHEREAS, the parties have agreed to respectfully request that the proceedings in this action be stayed pending the submission of the motion for preliminary approval;

IT IS HEREBY STIPULATED AND AGREED, by and between Lead Plaintiff and Defendants, through their undersigned counsel, subject to the Court’s approval, as follows:

1. Lead Plaintiff and Defendants shall execute a final stipulation of settlement within thirty-five (35) days, and will advise the Court when this has been completed;
2. Lead Plaintiff will file his motion for preliminary approval to the Court within twenty (20) days of execution of the stipulation of settlement; and

3. All other deadlines and proceedings in this matter (Dkt Nos. 64, 74, & 78) are hereby stayed pending submission of the motion for preliminary approval.

AGREED TO, this 17th day of March, 2022.

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Inc., Yaniv Sarig and Arturo  
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IT IS SO ORDERED

Dated: \_\_\_\_\_, 2022

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Hon. Victor Marrero